

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

23-CV-1262

v.

\$6,160 UNITED STATES CURRENCY

Defendant *in rem*.

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**VERIFIED COMPLAINT FOR FORFEITURE**

The United States of America, by its attorneys, Trini E. Ross, United States Attorney for the Western District of New York and Elizabeth M. Palma, Assistant United States Attorney, of counsel, for its Verified Complaint herein alleges as follows:

**NATURE OF ACTION**

1. This is a civil action *in rem* pursuant to Title 21, United States Code, Section 881(a)(6) for the forfeiture of the sum of \$6,160 in United States currency (hereinafter the “Defendant Currency”), which was seized from Michael Paonessa (also referred to as “Paonessa”) during a traffic stop on or about July 9, 2023.

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction of this action commenced by the United States pursuant to Title 28, United States Code, Section 1345 and over an action for forfeiture pursuant to Title 28, United States Code, Section 1355(a). This Court has *in rem* jurisdiction pursuant to Title 28, United States Code, Sections 1355(b) because the acts or

omissions giving rise to the forfeiture occurred in the Western District of New York. Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395, because the Defendant Currency is currently in the custody of the United States Marshals Service for the Western District of New York.

### **FACTUAL BACKGROUND**

3. On July 9, 2023, Niagara Falls Police Department (“NFPD”) officers initiated a traffic stop on Paonessa at the intersection of 17<sup>th</sup> Street and Whitney Avenue in Niagara Falls, New York.

4. During the execution of the stop, officers seized:

- a. a digital scale with white residue;
- b. three (3) vials containing gray powder stored in the steering wheel column of the vehicle;
- c. a box of clear plastic bags; and
- d. \$6,160.00 in United States currency.

5. On July 24, 2023, Niagara County Sheriff’s Office (“NCSO”) Forensic Laboratory reported the residue on the digital scale found in the vehicle was cocaine and fentanyl.

6. On July 24, 2023, NCSO Forensic Laboratory reported the gray powder was a diluent for narcotic drugs.

7. The denominations of the Defendant Currency were as follows:

Denominations	Number of Bills	Total
\$100	43	\$4,300
\$50	14	\$700
\$20	58	\$1,160

8. Paonessa was taken to NFPD headquarters booking area where officers searched him and found three (3) pill capsules.

9. Paonessa advised officers that the capsules were Adderall.

10. NCSO Forensic Laboratory reported the three (3) pill capsules were amphetamine and dextroamphetamine, a combination found in Adderall.

11. In connection with this stop, Paonessa was charged with Class A Misdemeanor violations of New York State Penal Law 220.03 (Criminal Possession of Controlled Substance – 7th), 220.50.03 (Criminal Use Drug Paraphernalia – 2<sup>nd</sup> Scales) and 220.50.01 (Criminal Use Drug Paraphernalia – 2<sup>nd</sup> Diluents) currently pending in the Niagara Falls County Court (Docket CR-05476-23).

### **PREVIOUS CURRENCY SEIZURES**

12. On February 27, 2022, NFPD officers initiated a traffic stop on Paonessa near the I-190 entrance ramp on Route 62 in Niagara Falls, New York.

13. Officers seized \$11,480 United States currency, marijuana, 6 Suboxone strips and 57.8 grams of crack and fentanyl and three digital scales with powder residue.

14. On March 29, 2022, NFPD and Drug Enforcement Administration (“DEA”) law enforcement officers executed a state search warrant on Paonessa, his residence at the time in Niagara Falls, New York and his vehicle.

15. Law enforcement officials seized \$17,286 United States currency, 15 grams of fentanyl, four white oval pills (containing hydrocodone and acetaminophen), two digital scale with white residue, and a hydraulic press with white residue.

16. On February 24, 2023, NFPD and DEA law enforcement officers executed a state search warrant on Paonessa and his vehicle.

17. Law enforcement officials seized \$3,710 United States currency, 49.1 grams of fentanyl, 16 grams of cocaine, 2.4 grams of methamphetamine, 33 tablets, and a digital scale.

18. On March 25, 2023, NFPD and DEA law enforcement officers executed a state search warrant on Paonessa, his residence at the time in Niagara Falls, New York, and his vehicles.

19. Law enforcement officials seized \$16,795 United States currency, 25.3 grams of fentanyl, 9.5 grams of crack cocaine, and 30.8 grams of Xanax pills.

20. On August 28, 2023, Paonessa pled guilty to two Class C Felony violations of New York State Penal Code Law 220.16 (Attempted Criminal Possession of Controlled

Substance/Narcotic), in relation to the February 27, 2022 traffic stop and the February 24, 2023 search.

### **INITIATION OF CIVIL JUDICIAL ACTION**

21. On or about September 9, 2023, Paonessa submitted a *pro se* claim to the DEA to halt the administrative forfeiture proceedings against the Defendant Currency and requested referral for judicial forfeiture proceedings.

### **CONCLUSION AND REQUEST FOR RELIEF**

22. Based on all of the foregoing facts, the circumstances surrounding these facts, and the experience and training of the law enforcement officers involved, there is a reasonable belief that the Defendant Currency was furnished or was intended to be furnished in the furtherance of controlled substances distribution, and/or constitutes proceeds traceable to controlled substances distribution and is subject to forfeiture pursuant to Title 21 United States Code, Section 881(a)(6).

WHEREFORE, the United States of America respectfully requests that:

- (1) due process issue for the arrest of the Defendant Currency;
- (2) all persons having any interest therein be cited to appear and show cause why the forfeiture should not be decreed;
- (3) a judgment be entered declaring the Defendant Currency condemned and forfeited to the United States of America for disposition in accordance with the law;
- (4) the costs of this suit be paid to and recovered by the United States of America; and

(5) the Court grants such other and further relief as deemed just and proper.

DATED: December 5, 2023  
Buffalo, New York.

TRINI E. ROSS  
United States Attorney  
Western District of New York

/s/ *Elizabeth M. Palma*

By: ELIZABETH M. PALMA  
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STATE OF NEW YORK    )  
COUNTY OF ERIE        )       ss.:  
CITY OF BUFFALO        )

Task Force Officer Shawn Watson, being duly sworn, deposes and says:

I am a Task Force Officer detailed to the Drug Enforcement Administration, Buffalo New York, and I am familiar with the facts and circumstances surrounding the seizure of \$6,160 United States currency from Michael Paonessa in Niagara Falls, New York on or about July 9, 2023. The facts alleged in the Complaint for Forfeiture are true to the best of my knowledge and belief based upon information furnished to me by officials of the DEA and the NFPD and provided to the officials of the United States Attorney's Office.

/s/ Shawn Watson

Shawn Watson  
Task Force Officer  
Drug Enforcement Administration

Subscribed and sworn to before me this 5<sup>th</sup> of December 2023.

/s/ Cheryl Lotempio

CHERYL LOTEMPIO

Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 6-30-2026